



Jill M. Lyon
Vice President & General Counsel
202.833.6808
jill.lyon@utc.org

September 1, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW A-325
Washington, DC 20554

Re: Ex Parte Notice – WT Docket No. 05-62 – Use of the 896-901 MHz and 935-940 MHz Bands Allotted to the Business and Industrial Land Transportation Pool

To the Secretary:

This is to provide notice that, on August 31, 2006, representatives of the Association of American Railroads, American Petroleum Institute, MRFAC, National Association of Manufacturers, United Parcel Service (UPS) and United Telecom Council met with David Furth of the Office of the Bureau Chief; Chief Roger Noel, Kathy Harris and Michael Connelly of the Mobility Division, and Scot Stone of the Public Safety and Critical Infrastructure Division, all of the Wireless Telecommunications Bureau. The meeting included discussion of various issues raised in the Commission's *Notice of Proposed Rulemaking* in the above-referenced docket, in which the above parties, with the exception of UPS, filed joint comments.

The parties repeated their positions as recommended in their joint comments. In addition, they provided information indicating that marketplace behavior is inconsistent with the previous assumption that there is pent-up carrier demand for auction of 900 MHz spectrum. The parties emphasized that there is a need for interference protection standards for this frequency band like those adopted for the 851-869 MHz frequency band, to accommodate all users as they move to more advanced, and potentially mutually incompatible, technologies. They also emphasized the continuing need for expansion of critical infrastructure and other Business and Industrial/Land Transportation user systems operating on this spectrum.

This Notice is being filed pursuant to Section 1.1206 of the Commission's Rules and Regulations, 47 C.F.R. § 1.1206. If there are any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "William K. Keane", with a long horizontal flourish extending to the right.

Cc: David Furth, OBC
Roger Noel, Chief
Katherine Harris, Mobility Division
Michael Connelly, Mobility Division
Scot Stone, PSCID
Thomas Keller, AAR
Gregory Kunkle, Keller and Heckman (API)
William K. (Ken) Keane, Duane Morris (MRFAC)
Michael Lewis, Wiley, Rein & Fielding (UPS)



FCC Katrina Panel Recommendations (EB Docket No. 06-119)

UTC welcomes the FCC's inquiry into recommendations of its independent panel, and emphasizes the following points concerning the huge task of preparing for, and responding to, emergencies such as the hurricanes that struck the Gulf Coast in 2005:

1. The Katrina panel's report noted the robustness of utility communications systems. UTC submits that, utilities' standard practices of planning and preparing for disasters of all kinds, coupled with their habit of building robust internal communications networks, make them excellent partners in emergency response coordination.
2. Utilities are emergency responders – their crews, along with mutual assistance crews from across the country, WILL be present for power/gas/water restoration as soon as immediate danger has passed. Therefore, it makes no sense not to include them in emergency communications coordination efforts; indeed, restoration of electric power is key to a community's return to normal life, as well as to restoration of commercial telecommunications networks. Our efforts are far more rapid due to robust internal communications systems; however, with no dedicated spectrum, utilities cannot work toward interoperability among themselves or with public safety.
3. The FCC's efforts to coordinate emergency communications should not overlook its own organization. The Public Safety/Homeland Security Bureau should include all FCC constituents taking part in such efforts, including critical infrastructure industries (CII). Without such a framework, the Commission's own organization will work against appropriate coordination of efforts on the ground.
4. UTC seeks to help the FCC streamline its administrative procedures during emergencies. As a certified frequency coordinator with representation of the utility industry, UTC offers to provide coordination of Special Temporary Authority for utilities moving to stricken areas, tracking areas of operation and frequency bands in use. UTC recommends that such activities begin as soon as crews move toward anticipated disasters, rather than waiting until the President has declared an emergency.
5. Disaster preparedness and response is a massive undertaking involving many industries and Federal agencies. UTC cautions the FCC against taking discrete action that may be outside its authority or that may conflict with other efforts, such as efforts concerning power restoration priorities or separate credentialing programs. Instead, UTC recommends that the FCC coordinate closely with the Department of Homeland Security and other agencies already engaged in these efforts to meet its goals for its constituents.

UTC looks forward to working with the Commission on these and other issues. Please do not hesitate to contact Vice President & General Counsel Jill Lyon at 202.833.6808 or jill.lyon@utc.org.